

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

GREENBERG TRAURIG, P.A.;	:	
GREENBERG TRAURIG, LLP	:	
v.	:	Civil Action
	:	No.: 12-cv-6718-MSG
	:	
FRANCINE GRIESING	:	
	:	

**ORDER**

AND NOW this \_\_\_\_ day of \_\_\_\_\_, upon consideration of Francine Griesing's Motion for Leave to Supplement the Record, it is hereby ORDERED that Respondent's Motion is GRANTED and that the Court will take judicial notice of the Amended Class Action Complaint filed in *Francine Friedman Griesing v. Greenberg Traurig, LLP*, No. 12-cv-8734 (S.D.N.Y. Jan. 15, 2013).

\_\_\_\_\_  
Mitchell S. Goldberg, J.

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GREENBERG TRAURIG, P.A.;	:	
GREENBERG TRAURIG, LLP	:	
	:	Civil Action
v.	:	No.: 12-cv-6718-MSG
	:	
FRANCINE GRIESING	:	
	:	

**FRANCINE GRIESING'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD**

Francine Griesing, by and through her counsel, respectfully moves this Court for an order granting leave to supplement the record in this matter with an Amended Class Action Complaint Ms. Griesing filed in a related matter in the Southern District of New York. *Francine Friedman Griesing v. Greenberg Traurig, LLP*, No. 12-cv-8734 (S.D.N.Y. Jan. 15, 2013) (attached as Exhibit A). The grounds for this Motion are more fully stated in the accompanying Memorandum.

Respectfully submitted,

/s/ Kate Mueting

David W. Sanford (DC Bar No. 457933)  
*Motion for Admission Pro Hac Vice forthcoming*  
Katherine M. Kimpel (DC Bar No. 493028)  
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Francine Griesing's Reply to Greenberg Traurig, P.A. and Greenberg Traurig, LLP's Opposition to Motion to Dismiss or, Alternatively, For a Change of Venue Pursuant to 28 U.S.C. § 1404(a), *Greenberg Traurig, P.A., Greenberg Traurig LLP v. Francine Griesing*, No. 12-cv-6718, Dkt. No. 15-1 (E.D. Pa. Jan 4, 2013). The Southern District of New York is the appropriate and proper district in which to litigate all of the issues in this matter.<sup>1</sup> Consistent with that position, Ms. Griesing amended her Southern District of New York Class Action Complaint to raise in that district the issue of whether her claims are subject to arbitration.

In the Amended Class Action Complaint, Ms. Griesing, on behalf of herself, the Class, and all Collective Action Plaintiffs under the Equal Protection Act, "seeks declaratory relief, pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, because an actual and justiciable controversy has arisen and now exists between Ms. Griesing and GT as to whether any of her claims must be resolved by arbitration rather than by a jury in this Court." Exhibit A ¶ 228. The Amended Class Action Complaint also alleges that "[a] judicial determination is necessary and appropriate at this time to determine the respective rights and obligations of the Parties with respect to arbitration of Ms. Griesing's claims." *Id.*

Ms. Griesing respectfully requests that this Court take judicial notice of the Amended Class Action Complaint pursuant to Federal Rule of Evidence 201. The Amended Class Action Complaint is a proper subject of judicial notice under this Rule, which provides that a "court may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(2); *see also McTernan v. City of York*, 577 F.3d 521, 526 (3d Cir. 2009) ("In

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<sup>1</sup> Ms. Griesing also amended her Complaint to state that she received from the EEOC her Right to Sue letter on January 11, 2013. *See* Exhibit A ¶ 22.

addition to the complaint itself, the court can review documents attached to the complaint and matters of public record . . .”).

Additionally, Rule 201 provides that this Court *must* take judicial notice of the Amended Class Action Complaint because Ms. Griesing has requested it and has supplied the Court with a copy, attached as Exhibit A. *See* Fed. R. Evid. 201(c) (“The court (1) may take judicial notice on its own; or (2) *must* take judicial notice if a party requests it and the court is supplied with the necessary information.” (emphasis added)).

Therefore, Ms. Griesing respectfully requests that this Court take judicial notice of the Amended Class Action Complaint filed in the related action in the Southern District of New York.

Respectfully submitted,

/s/ Kate Mueting

David W. Sanford (DC Bar No. 457933)  
*Motion for Admission Pro Hac Vice forthcoming*  
Katherine M. Kimpel (DC Bar No. 493028)  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing and its attachments to be electronically filed with the United States District Court, Eastern District of Pennsylvania, and notice will be served by operation of the Court's Electronic Case Filing System on representatives of all parties to this litigation as follows:

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January 16, 2013

/s/ Harrison Stark